

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED

DEC 05 2019

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDY JAMES,

Defendant.

CR 97-37-BLG-SPW-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Randy James (James) has been accused of violating the conditions of his supervised release. James admitted all of the alleged violations. James's supervised release should be revoked. James should receive a term of custody of time served, with no supervised release to follow.

II. Status

James was found guilty following a jury trial of Conspiracy to Possess Methamphetamine with Intent to Distribute, Possession with Intent to Distribute Methamphetamine, and Carrying a Firearm in Relation to a Drug Trafficking Offense. (Doc. 444). The Court sentenced James to 235 months of custody, followed by 5 years of supervised release. (Doc. 500). James's current term of

supervised release began on August 16, 2019. (Doc. 891 at 2).

Petition

The United States Probation Office filed a Petition on September 16, 2019, 2019, requesting that the Court revoke James's supervised release. (Doc. 891).

The Petition alleged that James had violated the conditions of his supervised release: 1) by failing to report to his probation officer as directed; and 2) by failing to report for substance abuse treatment and mental health treatment.

Initial appearance

James appeared before the undersigned for his initial appearance on December 4, 2019. James was represented by counsel. James stated that he had read the petition and that he understood the allegations. James waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on December 4, 2019. James admitted that he had violated the conditions of his supervised release: 1) by failing to report to his probation officer as directed; and 2) by failing to report for substance abuse treatment and mental health treatment. The violations are serious and warrant revocation of James's supervised release.

James's violations are Grade C violations. James's criminal history category is II. James's underlying offenses are Class A and Class D felonies. James could be incarcerated for up to 60 months. James could be ordered to remain on supervised release for up to 56 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

III. Analysis

James's supervised release should be revoked. James should receive a term of custody of time served, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed James that the above sentence would be recommended to United States District Judge Susan P. Watters. The Court also informed James of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to James that Judge Watters would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. James stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Watters.

The Court **FINDS:**

That Randy James violated the conditions of his supervised release: by failing to report to his probation officer as directed; and by failing to report for substance abuse treatment and mental health treatment.

The Court **RECOMMENDS:**

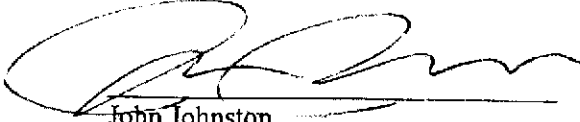
That the District Court revoke James's supervised release and commit James to the custody of the United States Bureau of Prisons for a term of time served, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 5th day of December, 2019.



John Johnston
United States Magistrate Judge